

AMENDED IN ASSEMBLY MAY 8, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2389

Introduced by Assembly Member Dutra

February 21, 2002

An act to amend Section 28748.8 of the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2389, as amended, Dutra. San Francisco Bay Area Rapid Transit District.

Existing law authorizes the board of directors of the San Francisco Bay Area Rapid Transit District (BART) to provide, by ordinance or resolution, that each director of the district shall be paid a sum that does not exceed \$1,000 for each month served subject to attendance requirements. Existing law provides reduced compensation for members who miss scheduled and noticed regular board meetings, except as specified.

This bill would ~~delete those provisions that require reduced compensation of members who miss scheduled and noticed regular board meetings. The bill would~~ authorize the board to increase the amount each director of the district may be paid monthly subject to certain limitations on the amount of the increase. The bill would also provide that a director appointed to fill a vacancy receive the same compensation as his or her predecessor.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 28748.8 of the Public Utilities Code is amended to read:

28748.8. (a) The board may by ordinance or resolution provide that each director shall be paid a sum that shall not exceed one thousand dollars (\$1,000) for each calendar month that he or she serves as a director.

(b) *The ordinance or resolution to authorize a monthly stipend pursuant to subdivision (a), in lieu of per-meeting compensation, shall include a requirement that a member can receive a monthly stipend for a given month only if he or she attends all scheduled and noticed regular board meetings for that month. For those members meeting this attendance requirement, the amount of one hundred dollars (\$100) shall be deducted from the stipend for a failure to attend each meeting of a committee on which he or she serves that month. In any month that a member fails to meet these attendance requirements, that member may be compensated at the rate of one hundred dollars (\$100) per board or committee meeting attended, not to exceed five hundred dollars (\$500) for that month.*

(c) *For the purpose of this section, a member who misses a scheduled and noticed meeting of the board or a committee while attending to official district business pursuant to authorization shall be construed as having attended the meeting.*

(d) *The ordinance or resolution may provide for not more than two excused absences during a calendar year without disqualifying the member for a monthly stipend.*

(e) Salary of directors may be increased beyond the amount provided in this section by an ordinance, resolution, or by an amendment thereto. However, the amount of the increase may not exceed an amount equal to 5 percent for each calendar year from the operative date of the last adjustment of the salary in effect when the ordinance, resolution, or amendment is enacted. A salary ordinance or resolution shall not be enacted or amended that provides for automatic future increases in salary.

~~(e)~~

(f) A change in salary shall not apply to a director during his or her term of office. However, this prohibition shall not prevent the adjustment of the compensation of all directors serving staggered terms whenever one or more directors of the board becomes

1 eligible for a salary increase by virtue of his or her beginning a new
2 term of office.

3 ~~(d)~~

4 (g) The compensation of a director appointed to fill a vacancy
5 shall be the same as that payable to the director whose office was
6 vacated.

7 ~~(e)~~

8 (h) In addition to the compensation otherwise provided for in
9 this section, each director may be allowed necessary traveling and
10 personal expenses incurred solely as a result of the performance of
11 his or her duties, in amounts as may be authorized by the board.

